

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	No. 4:08 MJ 219 TCM
)	
RICHARD RUSSELL,)	
)	
Defendant.)	

GOVERNMENT'S MOTION FOR REVOCATION OF MAIL PRIVILEGES

Comes now the United States of America, by Michael W. Reap, Acting United States Attorney for the Eastern District of Missouri, and Reginald L. Harris, Assistant United States Attorney for said District, and for its motion to revoke defendant's mail privileges, states as follows:

1. Defendant Richard Russell is presently charged in a federal complaint with mailing a threatening communication in violation of 18 U.S.C. § 876(c). Defendant was arrested on the complaint in South Dakota on November 12, 2008, and had his initial appearance in the Eastern District of Missouri on January 14, 2009. Defendant is being held in the Lincoln County Jail in Troy, Missouri.

2. Since his initial appearance, the defendant has undergone a series of evaluations to determine his competency to proceed. Defendant has had occasion to be temporarily moved to the St. Louis County Justice Center for purposes of the evaluation.

3. During the pendency of this case, the defendant has repeatedly written and mailed letters to various court personnel, including judges, probation officers, and the clerk's office, as well as to the undersigned. The content of the letters is similar in nature to the letter that forms

the basis of the complaint in this matter, including threats by the defendant to rape, injure and kill his own family members, threats to harm himself, and other highly disturbing and graphic statements of a sexual nature.

4. In an Order dated June 18, 2009, this Court ordered the defendant to cease pro se communications with the Court. Since that Order, the defendant has continued to send written communications via United States mail to court personnel, including personnel from the United States Probation Office and the Clerk's Office. For example, on July 14, 2009, the Clerk's Office and the United States Probation Office each received two such disturbing letters from the defendant, the content of which is described in paragraph 3 above.

5. Persons to whom these letters have been addressed have expressed concern over the content and the frequency of the communications and have expressed a desire that such communications from the defendant cease.

6. The Government has available copies of the aforementioned letters that it can provide to the Court if necessary.

7. Based on the foregoing, the Government believes that the defendant's mail privileges should be revoked, with the sole exception that the defendant be allowed to send written communications to his attorney, Federal Public Defender Lee Lawless, via the United States mail.

WHEREFORE, the Government respectfully requests that this Court enter an Order directing the Superintendent or equivalent officer of the Lincoln County Jail, the St. Louis County Justice Center, and any other facility at which Defendant Richard Russell may be held, to revoke Defendant Richard Russell's mail privileges, except that he be allowed to

communicate in writing and mail such communications via United States mail to his attorney
Federal Public Defender Lee Lawless at 1010 Market Street, Suite 200, St. Louis, Missouri
63101.

Respectfully submitted,

MICHAEL W. REAP
Acting United States Attorney

/s/ Reginald L. Harris
REGINALD L. HARRIS, #48939
Assistant United States Attorney
111 South 10th Street, Room 20.333
St. Louis, Missouri 63102
(314) 539-2200

CERTIFICATE OF SERVICE

I hereby certify that on **July 22, 2009**, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following:
Lee T. Lawless, Federal Public Defender, 1010 Market Street, Suite 200, St. Louis, Missouri
63101.

/s/ Reginald L. Harris
REGINALD L. HARRIS, #48939
Assistant United States Attorney